



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 13 2018

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Article Number: 7017 1450 0000 0133 6594

Lori L. Doughty, Esq.
Academy Counsel
Office of the Staff Judge Advocate
US Military Academy
646 Swift Road
West Point, New York 10996-1781

Re: In the Matter of U.S. Department of the Army
West Point Garrison
Docket Number RCRA- 02-2017-7109

Dear Ms. Doughty:

Enclosed please find a fully executed Consent Agreement and Final Order issued by the Regional Administrator, US EPA Region 2. Please note that the payment of the civil penalty must be received on or before thirty (30) calendar days of the date of signature of the Final Order, located at the end of this document.

Thank you for your assistance.

Sincerely,


Carl R. Howard
Assistant Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

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In The Matter of:

U.S. Department of the Army
West Point Garrison,

Respondent,

Proceeding Under Sections 3008 and 9006
of the Solid Waste Disposal Act as
amended.

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**CONSENT AGREEMENT
AND
FINAL ORDER**

Docket No. RCRA-02-2017-7109

2017-07-13 11:10

PRELIMINARY STATEMENT

This is a civil administrative proceeding instituted pursuant to Sections 3008 and 9006 of the Solid Waste Disposal Act, as amended by various laws, including the Resource Conservation and Recovery Act, the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), and the Federal Facilities Compliance Act of 1992, 42 U.S.C. §§ 6901 - 6991 (together hereafter the "Act" or "RCRA"), for injunctive relief and the assessment of civil penalties. The United States Environmental Protection Agency ("EPA") has promulgated regulations governing the handling and management of hazardous waste at 40 C.F.R. Parts 260 – 273 and 279 and governing the operation of underground storage tanks ("USTs") at 40 C.F.R. Part 280.

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that EPA's Administrator may, if certain criteria are met, authorize a state to operate a hazardous waste program (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the regulations comprising the federal hazardous waste program (the Federal Program). The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986. Since 1986, New York State has been authorized for many other hazardous waste requirements promulgated by EPA pursuant to RCRA. See 67 Fed. Reg. 49864 (August 1, 2002), 70 Fed. Reg. 1825 (January 11, 2005) 74 Fed. Reg. 31380 (July 1, 2009).

New York is authorized for most hazardous waste regulations issued by EPA as of January 22, 2002 and the Uniform Hazardous Waste Manifest Amendments issued by EPA on March 4, 2005 and June 16, 2005.

Section 3008(a) of the Act, 42 U.S.C. § 6928(a), authorizes EPA to enforce the regulations constituting the authorized state program, and EPA retains primary responsibility for the enforcement of certain requirements promulgated pursuant to HSWA.

